

FILED

JUN 16 2006

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

SUKHJINDER KAUR SANDHU,*

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75962

Agency No. A75-246-458

MEMORANDUM**

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 12, 2006***

Before: KLEINFELD, PAEZ, and BERZON, Circuit Judges.

* The clerk is directed to correct the docket to reflect the correct spelling of petitioner's last name.

** This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

*** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sukhjinder Kaur Sandhu, a native and citizen of India, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying as untimely her motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for abuse of discretion, *see Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005), and we deny the petition for review.

The BIA acted within its discretion in denying Sandhu's motion to reopen as untimely because Sandhu filed her motion two years after the BIA's decision, *see* 8 C.F.R. § 1003.2(c)(2) (motion to reopen must be filed within ninety days of BIA's decision), and failed to demonstrate changed circumstances in India to qualify for the regulatory exception to the time limitation, *see* 8 C.F.R. § 1003.2(c)(3)(ii).

We do not consider Sandhu's challenge to the agency's adverse credibility determination, made in the context of her underlying asylum claim. *See Sandhu v. Ashcroft*, No. 02-72929 (upholding agency's denial of Sandhu's application for asylum).

PETITION FOR REVIEW DENIED.